

### REMARKS

Claims 11-22 are pending in the present application. Claim 14 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claims 11-13 and 15-22 were rejected under 35 U.S.C. §103(a) as being as being unpatentable over *Van Den Berghe* (US Patent No. 6,233,713) in view of *Hauck*. (US Patent No. 4,626,829) Applicant respectfully traverses these rejections, as the cited references do not disclose or suggest the features claimed in the present invention. Favorable reconsideration is respectfully requested.

Specifically, neither *Van Den Berghe* nor *Hauck* disclose “storing said symbols dependent on their respective probability of occurrence, and allocating natural code words to said symbols to obtain sorted symbols, and allocating a natural binary code to said sorted symbols” as claimed in claim 11 and similarly claimed in claim 21. *Van Den Berghe* merely discloses convolutional coding to group bits for redundancy purposes (col. 2, lines 4-24). *Van Den Berghe* makes no mention of probability of occurrence, allocating natural code words and allocating a natural binary code to the sorted symbols. This position is implicitly acknowledged in the Office Action (see page 2, paragraph 2, lines 8-9, 13-15).

*Hauck*, on the other hand, generally discusses statistical coding techniques for characterizing data according to a probability of occurrence (col. 1, lines 29-53). However, *Hauck* makes no mention of “allocating natural code words to the symbols to obtain sorted symbols, and allocating a natural binary code to the sorted symbols.” *Hauck* does not even address the use of natural code words or natural binary codes, which are specific codes that require different coding techniques. Instead, *Hauck* relies on run-length encoding to identify repeated informational symbols and to assign flags to previously-identified symbols during statistical encoding to achieve compression (claim 1, col. 4, lines 60-66; col. 1 8, 42-51). Accordingly, *Hauck* does not teach nor suggest the presently claimed invention, nor does it solve the deficiencies of *Van Den Berghe*.

Finally, there is no teaching nor suggestion to combine *Van Den Berghe* with *Hauck*. In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d

1530, 218 USPQ 871 (Fed. Cir. 1983) (see MPEP 2141.02). The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). When the motivation to combine the teachings of the references is not immediately apparent, it is the duty of the examiner to explain why the combination of the teachings is proper. *Ex parte Skinner*, 2 USPQ2d 1788 (Bd. Pat. App. & Inter. 1986) (see MPEP 2142). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) (see MPEP 2143).

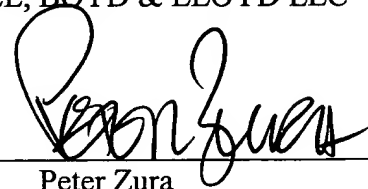
While the Examiner claimed that the combination of references was obvious "to further optimize the encoder operation", it remains unclear what teaching or suggestion there was in *Van Den Berghe* to use the configuration of *Hauck* to achieve the Examiner's alleged result. What specifically would be "optimized" in *Van Den Berghe* under the teaching of *Hauck*? *Van Den Berghe* uses scalable coding parameters to indicate bits per frame partitioned into each of the coding classes and the puncture code per class in real-time (see Abstract). In contrast, *Hauck* relies on statistical coding techniques, using multiple statistical encoding tables, to achieve compression for data streams (Abstract, col. 4, lines 60-66; col. 7, lines 56-67). Since *Van Den Bergh* is rooted in an entirely different application, the Applicant submits that there is no teaching or suggestion to combine the aforementioned references.

In light of the above comments, Applicant respectfully submits that independent claims 11 and 21, and all claims that depend directly or indirectly therefrom, are allowable over the prior art. Applicant also requests that a timely Notice of Allowance be issued in this case. Should there be any charges regarding this application, the Examiner is hereby authorized to charge Deposit Account 02-1818 for any insufficiency of payment.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY

A handwritten signature in black ink, appearing to read "Peter Zura", is written over a horizontal line.

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